UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _26 September 2008_.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-28_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-4 and 6-28_ is/are rejected.

7)☒ Claim(s) _5_ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claim 23 objected to because of the following informalities: line 4 recites the term

"constrict" which should be "construct". Appropriate correction is required.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

Claim 21 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the

invention.

        Claim 21 lines 10-13 recites *"...module being operative to construct the first email*

comprises the message notification and consolidation module operative to convert the first

notification, comprising a voicemail message, from information in the first email message"

which is unclear and confusing because there are grammatical errors.

For example, in *'module being operative to construct the first email comprises'* it is not known if

the 'module' or 'first email' comprises another module. And secondly, in "convert the first

notification, comprising a voicemail' it is not known if the 'first notification' comprises a

voicemail message. Appropriate clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-4, 6-22, and 24-28 rejected under 35 U.S.C. 102(e) as being anticipated by

Bosik et al., Patent #6,987,840.

Regarding claims 1 and 21, Bosik teaches a method and a system for notifying an

electronic mail recipient of electronic mail receipt via voicemail messaging(Fig.3 and Fig.6),

comprising: a subscriber e-mail provider system(Fig.3) operative to receive a first electronic mail

(e-mail) message at a subscriber e-mail box*(Fig.3 and Fig.6; first step of receiving email);*

a message notification and consolidation module operative to monitor receipt of the first

electronic mail (e-mail) message at a subscriber e-mail box(Fig.6);

construct a first e-mail received notification message wherein the message notification and

consolidation module being operative to construct the first email comprises the message

notification and consolidation module operative to convert the first notification, comprising a

voicemail message, from information in the first email message(col.1 line 50-col.2 line 11; see

112 issue above);

annotate the first e-mail received notification message with a unique identification tone for

identifying the first e-mail received notification message(col.3 lines 31-63 and col.4 lines 12-65);

transmit the first e-mail received notification message to a subscriber voicemail box(col.3 lines

31-63, col.4 lines 12-65, and col.6 lines 39-48);

determine whether the first e-mail message is disposed of in the subscriber e-mail box(col.3 lines

31-63 and col.4 lines 12-65);

locate the first e-mail received notification message in the subscriber voicemail box via the

unique identification tone and delete the first e-mail received notification message from the

subscriber voicemail box(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claims 2-4 and 22, Bosik teaches the method and system of claims 1 and 21,

the message notification and consolidation module being further operative

detect the receipt of a second e-mail message at the subscriber e-mail box prior to the

disposition of the first e-mail message in the subscriber e-mail box(col.3 lines 31-63, col.4 lines

12-65, and col.6 lines 39-67);

search the subscriber voicemail box for a voicemail message having the unique identification

tone and delete the first e-mail received notification message from the subscriber voicemail box

if the second e-mail message is received at the subscriber e-mail box prior to disposition of the

first e-mail message in the subscriber e-mail box*(col.3 lines 31-63, col.4 lines 12-65, and col.6*

lines 39-67); Bosik's system can receive multiple email messages which changes/deletes the first

email received notification message with a new one).

Regarding claim 23, Bosik, as best understood due to the 112 confusion above, teaches

the method and system of claims 4 and 22, the message notification and consolidation module

being further operative after deleting the first e-mail received notification message from the

subscriber voicemail box, further comprising:

constructing a second e-mail received notification message containing notification information

from both the first e-mail message and the second e-mail(col.3 lines 31-63, col.4 lines 12-65, and

col.6 lines 39-67);

annotating the second e-mail received notification message with a second unique identification

tone for identifying the second e-mail received notification message, and transmitting the second

e-mail received notification message to a subscriber voicemail box(col.3 lines 31-63, col.4 lines

12-65, and col.6 lines 39-67).

Regarding claim 6, Bosik teaches the method of claim 1, whereby receiving the first

electronic mail message at the subscriber e-mail box, includes receiving the first e-mail message

via an e-mail provider system(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 7, Bosik teaches the method of claim 6, prior to the step of receiving a

first e-mail message at a subscriber e-mail box, further comprising monitoring the subscriber e-

mail box via the e-mail provider system(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-

67).

Regarding claim 8, Bosik teaches the method of claim 7, after receiving the first e-mail

message at the subscriber e-mail box, obtaining a telephone directory number for the subscriber

voicemail box(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 9, Bosik teaches the method of claim 8, after obtaining the telephone

directory number for a subscriber voicemail box, obtaining an electronic messaging address for

the subscriber voicemail box(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 10, Bosik teaches the method of claim 1, after transmitting the first e-

mail received notification message to the subscriber voicemail box, activating a voicemail

received indication at the subscriber voicemail box(col.3 lines 31-63, col.4 lines 12-65, and col.6

lines 39-67).

Regarding claim 11Bosik teaches the method of claim 10, whereby activating a voicemail

received indication at the subscriber voicemail box includes activating a voicemail received

indication at a subscriber voicemail box access device(col.3 lines 31-63, col.4 lines 12-65, and

col.6 lines 39-67).

Regarding claim 12, Bosik teaches the method of claim 11, whereby the voicemail box

access device includes a telephone(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 13, Bosik teaches the method of claim 11, whereby the voicemail box

access device includes a personal digital assistant(col.3 lines 31-63, col.4 lines 12-65, and col.6

lines 39-67).

Regarding claim 14, Bosik teaches the method of claim 7, whereby monitoring the

subscriber e-mail box by the e-mail provider system includes monitoring a disposition status of

the first e-mail message(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 15, Bosik teaches the method of claim 14, whereby monitoring the

disposition status of the first e-mail message has been disposed of in the subscriber e-mail

box(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 16, Bosik teaches the method of claim 15, whereby determining the first

e-mail message has been disposed of in the subscriber e-mail box includes determining the first

e-mail message has been deleted from the subscriber e-mail box(col.3 lines 31-63, col.4 lines 12-

65, and col.6 lines 39-67).

Regarding claim 17, Bosik teaches the method of claim 15, whereby determining the first

e-mail message has been disposed of in the subscriber e-mail box includes determining the first

e-mail message has been read(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 18, Bosik teaches the method of claim 1, prior to deleting the first e-

mail received notification message from the subscriber voicemail box, searching the subscriber

voicemail box for the first e-mail notification message by searching for a voicemail message

having the unique identification tone(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 19, Bosik teaches the method of claim 1, further comprising receiving

the first e-mail received notification message at the subscriber voicemail box; and

reviewing the first e-mail received notification message by the subscriber(col.3 lines 31-63, col.4

lines 12-65, and col.6 lines 39-67).

Regarding claim 20, Bosik teaches the method of claim 19, further comprising receiving

the second e-mail received notification message at the subscriber voicemail box; and

reviewing the second e-mail received notification message by the subscriber(col.3 lines 31-63,

col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 24, Bosik teaches a method of notifying an electronic mail recipient of

electronic mail receipt via voicemail messaging, comprising:

receiving a first electronic mail (e-mail) message at a subscriber e-mail box(Fig.6)

constructing a first e-mail received notification message wherein constructing the first

notification message comprises converting information from the first email message into a

voicemail message(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67);

annotating the first e-mail received notification message with a unique identification tone for

identifying the first e-mail received notification message(col.3 lines 31-63, col.4 lines 12-65, and

col.6 lines 39-67);

transmitting the first e-mail received notification message to a subscriber voicemail box(col.3

lines 31-63, col.4 lines 12-65, and col.6 lines 39-67);

if the first e-mail message is disposed of, locating the first e-mail received notification message

in the subscriber voicemail box via the unique identification tone, and deleting the first e-mail

received notification message from the subscriber voicemail box(col.3 lines 31-63, col.4 lines

12-65, and col.6 lines 39-67);

monitoring the subscriber e-mail box for receipt of additional e-mail messages(col.7 lines 57-

59); and if additional e-mail messages are received at the subscriber e-mail box prior to

disposition of the first e-mail message in the subscriber e-mail box, deleting the first e-mail

received notification message from the subscriber voicemail box, and transmitting to the

subscriber voicemail box a consolidated e-mail received notification message containing

notification information from both the first e-mail message and the additional e-mail

messages(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Regarding claim 25, Bosik teaches the method of claim 24, whereby after prior to

transmitting the consolidated e-mail received notification message, annotating the consolidated

e-mail received notification message with a second unique identification tone for identifying the

consolidated e-mail received notification message(col.3 lines 31-63, col.4 lines 12-65, and col.6

lines 39-67).

Regarding claim 26, Bosik teaches a method of notifying a voicemail receiver of an event

or other item of interest via voicemail messaging, comprising: constructing a first notification

message for notifying the voicemail receiver of the event or other item of interest, wherein

constructing the first notification message comprises converting information from the first email

message into a voicemail message(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).;

annotating the first notification message with a unique identification tone for identifying the first

notification message(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67);

transmitting the first notification message to a subscriber voicemail box;

locating the first notification message in the subscriber voicemail box via the unique

identification tone; and modifying the first notification message(col.3 lines 31-63, col.4 lines 12-

65, and col.6 lines 39-67).

Regarding claim 27, Bosik teaches the method of Claim 26, whereby modifying the first

notification message includes deleting the first notification message(col.3 lines 31-63, col.4 lines

12-65, and col.6 lines 39-67).

Regarding claim 28, Bosik teaches the method of Claim 26, whereby modifying the first

notification message includes replacing the first notification message with a second notification

message(col.3 lines 31-63, col.4 lines 12-65, and col.6 lines 39-67).

Allowable Subject Matter

5.   Claim 5 objected to as being dependent upon a rejected base claim, but would be

allowable if rewritten in independent form including all of the limitations of the base claim <u>and</u>

<u>intervening claims.</u>

The prior art of record, does not teach, all of the limitations disclosed in claim 5 and it's

intervening claims.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The

examiner can normally be reached on Mon-Fri 8:30am-6pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/
Examiner, Art Unit 2614
/CURTIS KUNTZ/
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